



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: January 23, 2018

Case #: PD 18-05

PLEASE TYPE OR PRINT

Name of Development: Madison Midtown PD

Property Owner of Record: 1544 Madison Partners Phone #: 794-9494

Mailing Address: 4091 Viscount Avenue City/State: Memphis, TN Zip 38115

Property Owner E-Mail Address: jilindy@TOWERVENTURES.COM

Applicant: same Phone # _____

Mailing Address: _____ City/State: _____ Zip _____

Applicant E-Mail Address: _____

Representative: Michael J. Fahy Phone #: 753-6840

Mailing Address: 7520 Capital Drive, Ste. 200 City/State: Germantown TN Zip 38138

Representative E-Mail Address: mfahy@pdg-m.com

Engineer/Surveyor: PDG/Ashworth JV Phone # 753-6840

Mailing Address: 7520 Capital Drive, Ste. 200 City/State: Germantown TN Zip 38138

Engineer/Surveyor E-Mail Address: mfahy@pdg-m.com

Street Address Location: 1544 Madison Avenue

Distance to nearest intersecting street: 224' +/- west of the northwest corner of the intersection of Madison Avenue and North Avalon Street

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>2.33 Ac.</u>	<u>0.93 Ac.</u>	<u>0.96 Ac.</u>
Existing Zoning:	<u>CMU-3</u>	<u>CMU-3</u>	<u>RU-3</u>
Existing Use of Property	<u>Vacant</u>	<u>Vacant</u>	<u>Parking Lot</u>
Requested Use of Property	<u>RU-4</u>	<u>RU-4</u>	<u>Parking Lot</u>

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes _____ No x _____

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The proposed planned development is a down-zoning from the current Commercial (CMU-3) District to Residential (RU-4) District and will not damage the use, value and enjoyment of surrounding property nor unduly hinder or hinder the development of surrounding properties.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

All utilities, sanitary sewer and storm water facilities are in place adequate to serve the proposed development.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The design and layout of the project, in addition to the Use District down-zoning from Commercial to Residential, is compatible with the surrounding uses

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

All design standards shall be as be the Outline Plan Conditions.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

A Property Management Company shall maintain all common open space, landscaping, service drives and gates.

- Lots of records are created with the recording of a planned development final plan.

A Final Plat will be recorded.

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: January 24, 2018 with Brian Bacchus

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

1544 Madison Partners

Property Owner of Record

Date

Applicant

Date

1-26-18

GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
- 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

(For additional information concerning these requirements contact Land Use Control Section at (901) 576-6601.)

- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed development is to be designed, arranged and operated in order to limit impact to neighboring properties.
 - d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.
- C. **OUTLINE PLAN**
- 1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.
 - 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan
- D. **SITE/CONCEPT PLAN** – Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.
- E. **VICINITY MAP**
- Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500' radius. If the 500' radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.
- F. **LIST OF NAMES AND ADDRESSES**
- 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2^{5/8}" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
 - 2) Two (2) self-adhesive mailing labels (1"x 2^{5/8}") each for the owner of record, applicant, representative and/or engineer/surveyor.
- G. **FILING FEES** *(All Fees Are Subject To Change without Prior Notice)*
- 1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

***ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF**



Prime Development Group, Inc.
7520 Capital Drive, Ste. 200
Germantown Tn 38138

(901) 753-6840 ☎
(901) 482-0375 📞
mfahy@pdg-m.com ✉

January 29, 2018

Mr. Josh Whitehead
Chief Planner
Memphis & Shelby County
Office of Planning & Development
125 North Main Street, Suite 468
Memphis TN 38103

RE: Madison Midtown Planning Development

Dear Josh:

On behalf of the owner/developer, 1544 Madison Partners, we are pleased to submit this application for a new Apartment Planned Development located at the northwest corner of Madison Avenue & North Avalon Street. The proposed project is a down-zoning from the current Commercial CMU-3 Use District to the Residential RU-4 District, with four new apartment buildings on several vacant tracts. The apartment building design and project layout follows the design intent of the Midtown Overlay District. Access into the Apartment Facility will be limited to two gated entry points on Madison Avenue and no access onto North Avalon Street. The three driveways from the existing parking lot on Court Avenue will be closed and replaced with a single gated access point.

The plan is in conformance with the intent of the UDC and will add much needed development to this area in Midtown. We look forward to continuing to work with you and your staff on this project.

Sincerely,

Prime Development Group, Inc.

Michael J. Fahy
President

P.D.18-

Madison Midtown Planned Development

Outline Plan Conditions:

I. Uses Permitted:

- A. Uses permitted by right in the Residential Urban - 4 (RU-4) District with a maximum of 230 dwelling units. The maximum number of apartments shall be 230 units as shown in the overall development plan.
- B. The following uses shall also be permitted:
 - 1. Leasing Office
 - 2. Resident Fitness Center
 - 3. Resident Common Facilities
 - 4. Resident Internet Café
 - 5. Other accessory uses incidental to the operation and management of an apartment community

II. Bulk Regulations:

- A. Setback from Madison Avenue shall be a minimum of two (2) feet.
- B. Setback from North Avalon Street shall be a minimum of two (2) feet.
- C. Maximum height shall be four (4) stories with basement units for building frontages on Madison Avenue.
- D. Maximum height shall be four (4) stories for buildings on North Avalon Street.
- E. Maximum height of all other (interior) apartment frontages & buildings shall be four (4) stories.

III. Access, Parking and Circulation:

- A. Vehicular access to Madison Avenue is permitted as shown on the Site Plan, North Willett Street shall be closed, and the existing intersection of Madison Avenue and North Willet shall be redesigned as a commercial curb-cut subject to the approval by the City Engineering.
- B. Vehicular access to North Avalon Street shall be prohibited. Convey right of access to the City of Memphis.
- C. Vehicular access to Court Avenue shall be limited to one curb cut as shown on the site plan.
- D. The City Engineer shall approve the design, number and location of curb cuts.

- E. A total number of 245 parking spaces shall be provided on-site and sixteen (16) to twenty-one (21) off-street parking spaces.
- F. All nonconforming curb cuts along the project frontage shall be closed with curb and gutter.
- G. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- H. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Notice of Intent shall be required for the removal of any mature trees on this tract prior to final plan approval of the first phase of development.
- B. A Landscape Plan shall be submitted as part of the final plan.
- C. All existing trees shall be preserved and maintained and incorporated into the Landscape Plan wherever feasible.
- D. All required landscaping shall be irrigated.
- E. All landscaping is in addition to and exclusive of any required easements and shall be designed so as to not interfere with said easements.
- F. Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.
- G. All perimeter fencing shall be six foot (6') tall wrought iron, along street frontages and either six foot (6') tall sight-proof wood fence or wrought iron.

V. Signs:

- A. In addition to the Unified Development Code Sub-section 4.9.4 on 'Prohibited Signs' and 'General Standards' for signs, Sub-section 4.9.6, signs shall conform to the requirements of residential districts (UDC Sec. 4.9.7 B).
- B. Portable signs shall be prohibited.

VI. Drainage:

- A. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the final plan.
- B. This site is located within the Idlewild 2 Drainage Basin. The finished floor elevation of all structures shall meet the requirements of the zoning code.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

- D. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

VII. Common Open Space, Screening and Lighting:

- A. Common open space, including private drives, shall be maintained by a Property Management Company.
- B. Refuse compactors and mail boxes shall be completely screened from view of the public roads and, and from any adjacent residential property or district.
- C. Light standards shall be directed away from adjacent residential properties.

VIII. The Land Use Control Board may modify the setbacks, parking, landscaping, and sign requirements of the Outline Plan Conditions, if equivalent alternatives are suitable and are in conformance with the intent of these conditions.

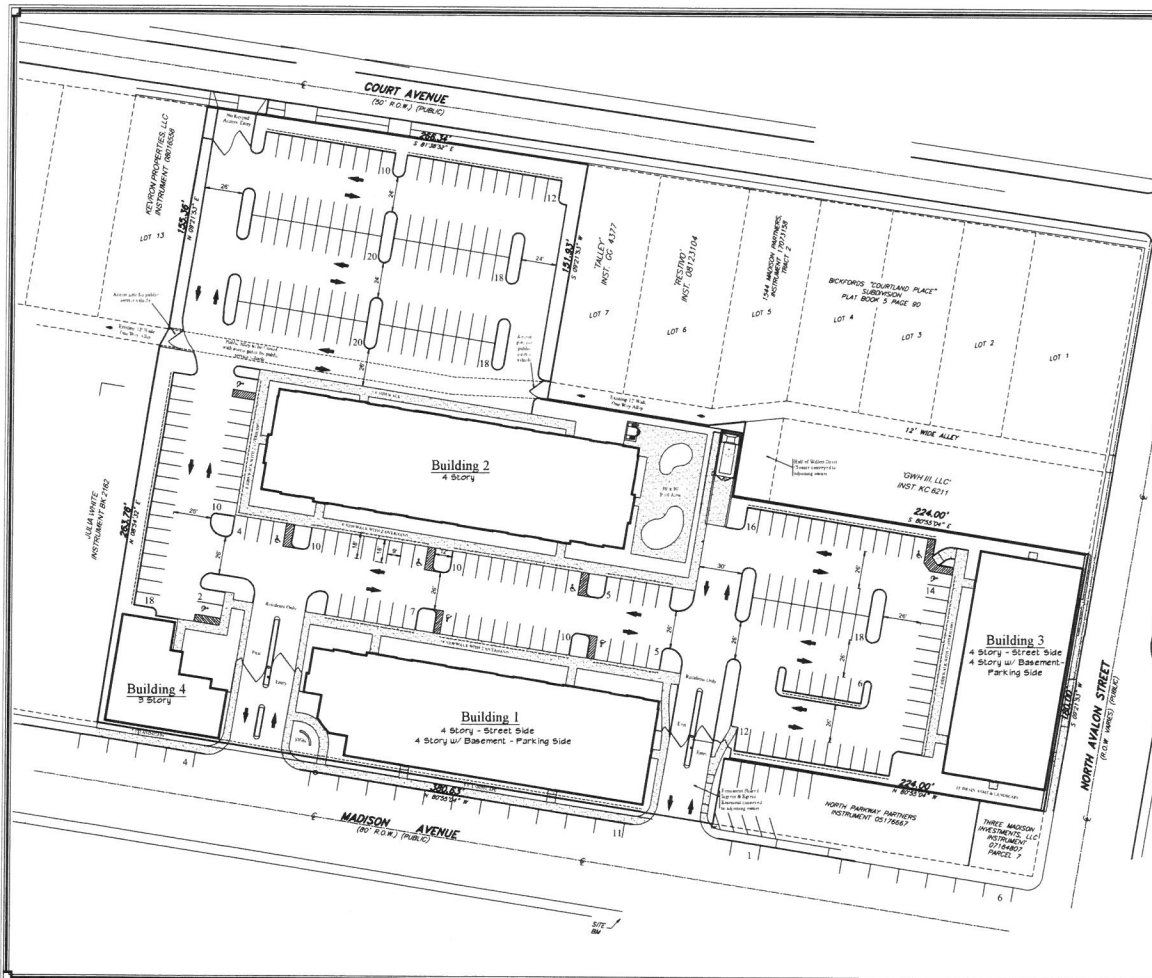
IX. Site Plan Review:

- A. A Site Plan shall be submitted for review, comment and recommendation of the Office of Planning and Development (OPD) for review and approval prior to approval of any final plan.
- B. The Final Site plan shall be submitted for review by staff and shall include the following:
 - 1.
 - 2. Specific landscape plans for internal and perimeter landscaping and screening;
 - 3. Illustration of the design materials of buildings and signs.
- C. The site plan shall be reviewed based upon the following criteria:
 - 1. Conformance with the Outline Plan conditions;
 - 2. Conformance with the standards and criteria for residential planned developments contained in Section 4.10.4 of the Unified Development Code;
 - 3. Consistency in design of architecture, signs and landscaping.
- D. The 2010 Memphis and Shelby County Drainage Manual storm-water detention requirements shall be met for any development in the Outline Plan.

X. In addition to the Outline Plan Conditions, any final plan shall include:

- A. A Standard Subdivision Contract;
- B. The exact location and dimensions of all buildings, landscaping, light standards, signs, service drives, and pedestrian and utility easements. The location and ownership whether public or private of any easements;
- C. All common, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Management Company. A statement to this effect shall appear on the final plan;

- D. The location of trees to be removed and groups of trees to be preserved and required landscaping shall not be placed on sewer or drainage easements;
- E. The 100-year floodplain elevation; and
- F. The following note shall be placed on the Final Plan of development requiring on-site storm water detention facilities: "The areas denoted by 'Reserved for Storm Water Detention' shall not be used as a building site or filled without first obtaining permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash; moving, outlet cleaning, and repair of drainage structures."



Site Plan	
Madison Midtown Planned Development	
OWNER/DEVELOPER:	1544 Madison Partners 4091 Viscount Avenue Memphis, Tennessee 38115
DESIGN:	PDG/Womble Joint Ventures 7120 Capital Drive, Ste. 200 Germantown, Tennessee 38138
SITE INFORMATION:	
LAND AREA (AC. (INC. ADJ.))	4.21+0.26+0.53 = 4.97 ACRES
PROPOSED BUILDING AREA (TOTAL)	109,747 SQ. FT. ARCHITECT
ZONE CLASSIFICATION	CM-3 (R-10)
ZONE CLASSIFICATION	PD - R-4
PROPOSED PARKING	240 SPACES
PROPOSED PARKING	8 SPACES
STREET PARKING	20 SPACES
STREET PARKING	200 SPACES
SCALE: 1" = 30'	PROJECT NO.: 18-002
DRAWN BY: PDG/Womble	DATE: JUNE 1, 2018
CHECKED BY: JMF	
APPROVED BY: _____	
ISSUE DATE: _____	

C 2.0

[illegible]

Prepared By:

Property Research Data
PRD Job #18-005

Property description

Tract 1

Lots 4-15 & 30-41, Block C, East Madison Heights Subdivision as recorded in Plat Book 3 Page 85 and being the Three Madison Investments, LLC property as described as Parcels 1, 2, 3, 4, 5 & 6 in Instrument 07164807 in Memphis, Shelby County, Tennessee:

Beginning at the intersection of the west line of North Avalon Street (right-of-way varies) with the north line of Lot 3, Block C, East Madison Heights Subdivision as recorded in Plat Book 3 Page 85; thence North 80 degrees 55 minutes 04 seconds West with the north line of said Lot 3 and the north line of Lot 42 of said subdivision a distance of 224.00 feet to an iron pin set in the east line of North Willett Street (50 foot right-of-way); thence North 09 degrees 21 minutes 53 seconds East with the east line of North Willett Street a distance of 180.00 feet to a point (found iron pin 0.7 foot north) in the south line of Lot 29 of said subdivision; thence South 80 degrees 55 minutes 04 seconds East with the south line of said Lot 29 and south line of Lot 16 of said subdivision a distance of 224.00 feet to an iron pin found in the west line of North Avalon Street; thence South 09 degrees 21 minutes 53 seconds West with the west line of North Avalon Street a distance of 180.00 feet to the point of beginning and containing 0.93 acres.

Tract 2

Lots 1-18 Block D, East Madison Heights Subdivision as recorded in Plat Book 3 Page 85 and being the Three Madison Investments, LLC property as described as Parcels 1, 2 & 3 in Instrument 07160228, Parcel 8 in Instrument 07164807 and Instrument 08091383 in Memphis, Shelby County, Tennessee:

Beginning at an iron pin set at the intersection of the north line of Madison Avenue (80 foot right-of-way) with the west line of North Willett Street (50 foot right-of-way); thence North 80 degrees 55 minutes 04 seconds West with the north line of Madison Avenue a distance of 380.63 feet to a chisel mark set in the east line of the White property as described in Instrument BK 2162; thence North 08 degrees 54 minutes 32 seconds East with said east line a distance of 263.76 feet to a pk nail set in the south line of a 12 foot Alley; thence South 80 degrees 44 minutes 51 seconds East with the south line of said Alley a distance of 204.95 feet to an pk nail set at an angle point; thence South 87 degrees 20 minutes 40 seconds East with the south line of said Alley a distance of 66.23 feet to a pk nail set at an angle point; thence South 80 degrees 55 minutes 04 seconds East with the south line of said Alley a distance of 112.00 feet to a pk nail set in the west line of North Willett Street; thence South 09 degrees 21 minutes 53 seconds West with the west line of North Willett Street a distance of 270.56 feet to the point of beginning and containing 2.33 acres.

Tract 3

Lots 9-12, Courtland Place Subdivision as recorded in Plat Book 5 Page 90 and being the Three Madison Investments, LLC property as described as Parcels 4 in Instrument 07160228 in Memphis, Shelby County, Tennessee:

Beginning at the intersection of the west line of Lot 8, Courtland Place Subdivision as recorded in Plat Book 5 Page 90 with the south line of Court Avenue (50 foot right-of-way); thence South 09 degrees 21 minutes 53 seconds West with the west line of said Lot 8 a distance of 158.50 feet to an iron pin set in the north line of a 12 foot Alley; thence North 80 degrees 44 minutes 51 seconds West with the north line of said Alley a distance of 199.97 feet to an iron pin set in the east line of Lot 13 of said subdivision; thence North 09 degrees 21 minutes 53 seconds East with the east line of said Lot 13 a distance of 155.36 feet to a point (found chisel mark 1.0 foot north) in the south line of Court Avenue; thence South 81 degrees 38 minutes 52 seconds East with the south line of Court Avenue a distance of 200.00 feet to the point of beginning and containing 0.72 acres.

Tract 4

Lot 8, Courtland Place Subdivision as recorded in Plat Book 5 Page 90 and being the James A. and Sylvia S. Shepherd property as described in Instrument V1 1113 and P9 3813 in Memphis, Shelby County, Tennessee:

Beginning at a point at the intersection of the south line of Court Avenue with the west line of Lot 7, Courtland Place Subdivision as recorded in Plat Book 5 Page 90 (found chisel mark 1.0 feet north); thence South 09 degrees 21 minutes 53 seconds West with the west line of said Lot 7 a distance of 151.93 feet to an iron pin set in the north line of a 12 foot Alley; thence North 80 degrees 55 minutes 04 seconds West with the north line of said Alley a distance of 0.52 feet to an angle point; thence South 87 degrees 20 minutes 40 seconds West with the north of said Alley a distance of 66.26 feet to an iron pin set in the east line of Lot 9, Courtland Place Subdivision; thence North 09 degrees 21 minutes 53 seconds East with the east line of said Lot 9 a distance of 158.50 feet to an iron pin set in the south line of Court Avenue; thence South 81 degrees 38 minutes 52 seconds East with the south line of Court Avenue a distance of 66.34 feet to the point of beginning and containing 0.24 acres.